

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

ORDER OF PRIVATE REPRIMAND

The Commission issues this order of private reprimand to a judge for violation of the Code of Judicial Conduct, SCR 4.300, Rules 1.1, 1.2, and 2.8.

In response to the coronavirus pandemic, the Kentucky Supreme Court issued various orders pertaining to the administration and conduct of courtroom proceedings in the Commonwealth. In pertinent part, during the first attempt to re-open the courts in June 2020, the Supreme Court issued Order 2020-43 requiring all judges to permit those who were high risk or who had been exposed to COVID-19 to appear remotely.

In response, and in contravention of the Supreme Court's directive to accommodate pandemic-related concerns, a judge actively discouraged attorneys from appearing remotely. In open court, the judge freely voiced frustrations with remote court appearances to litigants and attorneys in open court. Without approval or permission from the Supreme Court, and as a deterrent for remote appearances, the judge improperly required all attorneys appearing remotely to sign an Agreement waiving the right to request reconsideration of rulings on the basis of technical difficulties or confusion. The Agreement also required attorneys to acknowledge that remote appearances were solely that attorney's choice and served as a warning that the choice to appear remotely may cause prejudice to litigants.

As yet another deterrent to appearing for court remotely, the judge also required attorneys who appeared remotely to verify that they maintained malpractice insurance. The judge did not require any attorney appearing in-person to verify their malpractice insurance.

Rule 1.1 requires judges to comply with the law and court rules, including directives from the Kentucky Supreme Court. The judge violated this rule and Supreme Court Order 2020-43 by actively discouraging attorneys from appearing remotely and penalizing those who did.

Rule 1.2 requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary. The judge violated this rule by suggesting that, if an attorney elected to appear remotely, his or her client may be prejudiced as a direct result.

Rule 2.8 requires judges to be patient, dignified and courteous to lawyers and others with whom the judge deals in an official capacity. The judge violated this rule by penalizing high-risk and possibly exposed attorneys who permissibly elected to appear remotely in the midst of the coronavirus pandemic.

Based upon the foregoing conduct, the judge is hereby privately reprimanded.

In issuing this private reprimand, the Commission duly considered that the judge attempted to rectify the issue with remote appearances before the judge was contacted by the Commission, fully cooperated in the investigation, and agreed to accept this Private Reprimand.

Date: 6/14/2021


R. MICHAEL SULLIVAN, CHAIR